



Paper No. 13

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MAR 16 2004

In re Application of
Montoya
Application No. 09/954,970
Filed: September 19, 2001
Attorney Docket No. 1187.07
For: DUAL PIZZA PIE CONTAINER SYSTEM

OFFICE OF PETITIONS
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DECISION GRANTING
PETITION UNDER 37
CFR 1.137(a)
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This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2004, to revive the above-identified application.

This application was held abandoned for failure to timely submit a reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 19, 2001, which required petitioner to submit the statutory basic filing fee, a late filing fee, and an abstract within an extendable two month period for reply. Petitioner purchased a two month extension of time and submitted the required the filing fees. Unfortunately, petitioner did not submit an abstract within the extended period for reply. Therefore, the application became abandoned on February 20, 2002. A Notice of Abandonment was mailed on November 18, 2003.

Petitioner has submitted a reply in the form of an abstract commencing on a separate page, an acceptable statement of the unintentional nature of the delay in responding to the October 19, 2001 Notice, and the petition fee.¹

The petition under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision the application will be returned to the Office of Initial Patent Examination for further processing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ Pursuant to petitioner's authorization, deposit account no. 50-2557 was charged a \$665.00 petition fee on February 17, 2004.